THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8491 OF 2006

ORAL ORDER:

This writ petition is filed aggrieved by the proceedings initiated by the Special Deputy Collector, Tribal Welfare-1st respondent, under Section 3 of the A.P. Scheduled Areas Land Transfer Regulations 1 of 1959, as amended by Regulation 1 of 1970, calling upon the petitioner to show cause as to why he should not be evicted from the land in his possession i.e., Ac.7.20 gts situated in Sy.No.31 of Latchapuram village. Petitioner states that the Special Deputy Collector, Tribal Welfare, Palvancha initiated proceeding earlier in L.T.R.Case No.863/93/DPT dated 8.11.1993 in respect of the very same land, which was in possession of his grandfather. It is claimed that he succeeded to the said property and that W.P.No.16329 of 2001 filed against the order of the Special Deputy Collector, Tribal Welfare, dated 8.11.1993 is still pending before this court, in which an order of *status quo* is subsisting. Thus, it is contended that the impugned proceedings are arbitrary, illegal and hit by the doctrine of *res judicata*.

Be that as it may, since the notice dated 28.02.2006 is only a show cause notice, under which, the petitioner was called upon to submit his explanation, I am of the opinion that the writ petition is premature and cannot be entertained.

The learned counsel for the petitioner across the bar submits that as a matter of fact the petitioner had already appeared before the 1st respondent and brought to his notice about the writ petition pending in this Court. If that be so, it is for the 1st respondent to consider the version of the petitioner and to pass appropriate orders in accordance with law.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to submit necessary explanation, if not already submitted, within a period of four weeks from today, in which event the 1st respondent shall consider the same and pass appropriate orders in accordance with law as expeditiously as possible, preferably

within a period of eight weeks thereafter. Till such time, *status quo* obtaining as on today as to the nature and possession of the land in question shall be maintained.

The writ petition is accordingly, disposed of. No costs.

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(G. ROHINI, J.)

25th April, 2006.

Kgr

Issue CC in three days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8491 OF 2006

25th April, 2006.

Between:

Kollu Ramesh. .. Petitioner.

And

The Special Deputy Collector

(Tribal Welfare), I.T.D.A. Office,

Bhadrachalam, Khammam District

and another.. .. Respondents.